

EXHIBIT S

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Civil Action No.
97-cv-3496 (DRD) (MAS)

WALSH SECURITIES, INC., :
:
Plaintiff, :
:
vs. : DEPOSITION OF:
: ROBERT AGEI
CRISTO PROPERTY MANAGEMENT,
LTD., a/k/a G.J.L. LIMITED;
OAKWOOD PROPERTIES, INC.;
NATIONAL HOME FUNDING, INC.;
CAPITAL ASSETS PROPERTY
MANAGEMENT & INVESTMENT CO.,
INC.; CAPITAL ASSETS PROPERTY
MANAGEMENT, L.L.C.; WILLIAM
KANE; GARY GRIESER; ROBERT
SKOWRENSKI, II; RICHARD CALANNI;
RICHARD DiBENEDETTO; JAMES R.
BROWN; THOMAS BRODO; ROLAND
PIERSON; STANLEY YACKER, ESQ.;
MICHAEL ALFIERI, ESQ.; RICHARD
PEPSNY, ESQ.; ANTHONY M.
CICALESE, ESQ.; LAWRENCE CUZZI;
ANTHONY D'APOLITO; DAP CONSULTING,
INC.; COMMONWEALTH LAND TITLE
INSURANCE CO.; NATIONS TITLE
INSURANCE OF NEW YORK, INC.;
FIDELITY NATIONAL TITLE
INSURANCE CO. OF NEW YORK;
COASTAL TITLE AGENCY; DONNA
PEPSNY; WEICHERT REALTORS; and
VECCHIO REALTY, INC., D/B/A
MURPHY REALTY BETTER HOMES
And GARDENS :
:
Defendants. :
:
- - - - -

<p style="text-align: right;">Page 2</p> <p>1 TRANSCRIPT of the stenographic notes of 2 the proceedings in the above-entitled matter, as 3 taken by and before JANET BAILYN, a Certified 4 Shorthand Reporter and Notary Public of the State of 5 New Jersey, held at the office of MANNING, CALIENDO & 6 THOMSON, 36 West Main Street, Freehold, New Jersey, 7 on August 5, 2010, commencing at 3:42 in the 8 afternoon. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 INDEX 3 4 WITNESS DIRECT CROSS REDIRECT RECROSS 5 6 ROBERT AGEL 7 BY MR. MAGNANINI 5 8 9 10 EXHIBITS 11 NUMBER DESCRIPTION PAGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 STONE & MAGNANINI, LLP 4 BY: ROBERT MAGNANINI, ESQ. 5 AMY WALKER WAGNER, ESQ. 6 150 John F. Kennedy Parkway 7 Short Hills, New Jersey 07078 8 Attorneys for Plaintiff 9 10 McCARTER & ENGLISH, LLP 11 BY: DAVID R. KOTT, ESQ. 12 Four Gateway Center 13 100 Mulberry Street 14 Newark, New Jersey 07102-4056 15 Attorneys for Defendant 16 Commonwealth Land Title Insurance Co. 17 18 METHESSEL & WERBEL 19 BY: MARTIN R. McGOWAN, ESQ. 20 3 Ethel Road 21 Box 3012 22 Edison, New Jersey 08818 23 Attorneys for Defendant 24 Coastal Title Agency 25 26 FOX ROTHSCHILD, LLP 27 BY: IRINA B. ELGART, ESQ. 28 P.O. Box 5231 29 Princeton, New Jersey 08543-5231 30 997 Lenox Drive 31 Lawrenceville, New Jersey 08648-2311 32 Attorneys for Defendants Nations Title 33 Insurance of New York, Inc. and 34 Fidelity National Title Insurance 35 Co. of New York</p>	<p style="text-align: right;">Page 5</p> <p>1 ROBERT AGEL, having been duly sworn by the 2 Notary, testified as follows: 3 DIRECT EXAMINATION BY MR. MAGNANINI: 4 Q. Mr. Agel, good afternoon, I am Bob 5 Magnanini representing Walsh Securities and I have a 6 couple of questions to ask you. I tried to work in 7 questions about Coastal Title in the 30(b)6 so this 8 now is just a quick follow up to you and in your 9 personal capacity. When did you graduate high 10 school? 11 A. 1976. 12 Q. Did you go to college? 13 A. Two years. 14 Q. Where did you go? 15 A. Brookdale. 16 Q. Did you have a major? 17 A. Just general. 18 Q. What did you do when you left Brookdale? 19 A. Well, while I was a Brookdale I worked 20 in the title business and ever since, and I was a 21 title searcher at that time. 22 Q. You realize you're still under oath? 23 A. Yeah. 24 Q. What title-related company did you work 25 for while in Brookdale?</p>

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<p>1 A. I started with Chelsea Title.</p> <p>2 Q. And where were they located?</p> <p>3 A. New Brunswick.</p> <p>4 Q. In New Jersey?</p> <p>5 A. Yes.</p> <p>6 Q. And what did you do there?</p> <p>7 A. I was a title searcher.</p> <p>8 Q. And how long were you at Chelsea Title?</p> <p>9 A. Probably five years.</p> <p>10 Q. And then were you always a title</p> <p>11 searcher at Chelsea Title?</p> <p>12 A. No, I moved into the office and started</p> <p>13 doing title examination at some point there.</p> <p>14 Q. And when did you leave Chelsea Title?</p> <p>15 A. Let's see. Probably 1983.</p> <p>16 Q. And why did you leave?</p> <p>17 A. I had a better job offer.</p> <p>18 Q. Where was that?</p> <p>19 A. Lawyer's Title Insurance Corporation.</p> <p>20 Q. Where were they located?</p> <p>21 A. New Brunswick.</p> <p>22 Q. And what was your job title there?</p> <p>23 A. I was a title officer.</p> <p>24 Q. And what were your responsibilities?</p> <p>25 A. Examining titles, putting the title</p>	<p>1 That's probably it.</p> <p>2 Q. Did you all have the same license?</p> <p>3 A. Yes.</p> <p>4 Q. And what was the license itself called?</p> <p>5 A. Title insurance producer.</p> <p>6 Q. And that's given by the Department of</p> <p>7 Banking and Insurance?</p> <p>8 A. Yes.</p> <p>9 Q. What did you have to do to obtain the</p> <p>10 license?</p> <p>11 A. I had to take a pre-licensing course and</p> <p>12 then a pre-licensing examination.</p> <p>13 Q. Were there any continuing examination</p> <p>14 requirements?</p> <p>15 A. No. Continuing ed but no testing.</p> <p>16 Q. Okay. And who were your supervisors at</p> <p>17 Lawyer's Title?</p> <p>18 A. Lawyer's Title in New Brunswick it</p> <p>19 was -- his name was Bob Neiltopp, N-e-i-l-t-o-p-p.</p> <p>20 And I got promoted and made the manager of the</p> <p>21 Freehold office. After that it was -- his name was</p> <p>22 Bob Hartlaub, H-a-r-t-l-a-u-b.</p> <p>23 Q. I believe you testified during the</p> <p>24 30(b)6 that Coastal continued to do work with</p> <p>25 Lawyer's Title because of a relationship you had?</p>
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<p>1 insurance commitment together.</p> <p>2 Q. How long did you work at Lawyer's Title?</p> <p>3 A. Until 1987.</p> <p>4 Q. Did you leave?</p> <p>5 A. Yes.</p> <p>6 Q. Why did you leave?</p> <p>7 A. To start my own agency.</p> <p>8 Q. And that was?</p> <p>9 A. Coastal Title.</p> <p>10 Q. And so we have already been over the</p> <p>11 history of Coastal Title. Have you got any</p> <p>12 specialized training other than years of kind of OJT?</p> <p>13 A. I would say it's mostly on the job.</p> <p>14 It's continuing education with the -- that we have</p> <p>15 got to take continuing education classes to keep our</p> <p>16 license up and I go to seminars, that type of think.</p> <p>17 Q. And are you licensed individually --</p> <p>18 A. Yes.</p> <p>19 Q. -- by the state? Who else at Coastal</p> <p>20 Title has got an individual license?</p> <p>21 A. Then or now?</p> <p>22 Q. Then.</p> <p>23 A. Then. That's '97. So Sally Zappola</p> <p>24 would have been licensed then. My partner Mike</p> <p>25 O'Connell. At the time my partner Matt Maguire.</p>	<p>1 A. Yes.</p> <p>2 Q. Who was that relationship?</p> <p>3 A. Bob Hartlaub.</p> <p>4 Q. Is he still at Lawyer's Title?</p> <p>5 A. No. He's deceased.</p> <p>6 Q. Saves us asking questions. Always got</p> <p>7 to ask: Were you ever reprimanded or disciplined</p> <p>8 while at Lawyer's Title?</p> <p>9 A. No.</p> <p>10 Q. Have you ever had any criminal charges</p> <p>11 against you or have you ever been convicted of a</p> <p>12 crime?</p> <p>13 A. No.</p> <p>14 MR. MAGNANINI: Off the record.</p> <p>15 (A discussion takes place off the</p> <p>16 record).</p> <p>17 Q. Did you personally socialize with Mr.</p> <p>18 Alfieri outside of work?</p> <p>19 A. No.</p> <p>20 Q. How about with Mr. Pepsny?</p> <p>21 A. No.</p> <p>22 Q. And then Mr. Yacker?</p> <p>23 A. No.</p> <p>24 Q. Mr. Cicalese?</p> <p>25 A. No.</p>

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1 Q. How about Mr. Kane?
 2 A. No.
 3 Q. You already said you had not met anyone
 4 from Walsh Securities.
 5 A. Correct.
 6 Q. I don't have to ask you about that. Did
 7 you -- you actually I think testified during the
 8 30(b)6 that you knew one of the sellers of the
 9 property?
 10 A. Yes.
 11 Q. Did you know other than this fellow who
 12 was selling, I believe it was 138 Ridge?
 13 A. Right.
 14 Q. With the recognizance. Did you know any
 15 other of the sellers of the properties to Mr. Kane?
 16 A. No.
 17 Q. Did you have any involvement in locating
 18 properties for Mr. Kane or his companies?
 19 A. No.
 20 Q. Did you receive any payments from Mr.
 21 Kane for anything?
 22 A. No.
 23 MR. KOTT: I have no objection to Amy
 24 asking some questions. Mr. Stone would object.
 25 MR. McGOWAN: On behalf of Mr. Stone I

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1 object.
 2 Q. Did you personally know any of the straw
 3 buyers of the properties?
 4 A. No.
 5 Q. That was all I had outside of the scope
 6 but knowing McGowan is a bulldog I didn't want to ask
 7 you in your corporate representative capacity. That
 8 was all the questions I wanted to ask.
 9 MR. McGOWAN: Mr. Kott, do you have
 10 anything to add?
 11 MR. KOTT: Under the federal rules we
 12 have six hours and 50 minutes left and I intend to
 13 take all of it. My first question is: How are you
 14 today? I have no further questions for this witness.
 15 (The deposition is concluded at 3:51
 16 p.m.)
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1 CERTIFICATE.
 2
 3 I, JANET BAILYN, a Notary Public and
 4 Certified Court Reporter of the State of New Jersey,
 5 do hereby certify that prior to the commencement of
 6 the examination ROBERT AGEL was duly sworn by me to
 7 testify the truth, the whole truth and nothing but
 8 the truth.
 9 I DO FURTHER CERTIFY that the foregoing
 10 is a true and accurate transcript of the testimony as
 11 taken stenographically by and before me at the time,
 12 place and on the date hereinbefore set forth.
 13 I DO FURTHER CERTIFY that I am neither a
 14 relative nor employee nor attorney nor counsel of any
 15 of the parties to this action, and that I am neither
 16 a relative nor employee of such attorney or counsel,
 17 and that I am not financially interested in the
 18 action.
 19
 20
 21 Notary Public of the State of New Jersey
 22 My commission expires February 3, 2013
 23 License No. XI00970
 24
 25 Date: August 5, 2010

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